

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NORTHERN CALIFORNIA MINIMALLY  
INVASIVE CARDIOVASCULAR SURGERY,  
INC., a California Medical Corporation, and  
RAMZI DEEIK, M.D., an individual,

No. C 15-06283 WHA

Plaintiffs,

v.

NORTHBAY HEALTHCARE CORPORATION, a  
California public benefit corporation, NORTHBAY  
HEALTHCARE GROUP, INC., a California public  
benefit corporation, and NORTHBAY  
HEALTHCARE MEDICAL GROUP, INC.,

**REQUEST FOR  
RESPONSE**


Defendants.

On January 6, plaintiffs filed a “Notice of Voluntary Dismissal with Prejudice” purporting to voluntarily dismiss the action with prejudice pursuant to Rules 41(a)(1)(A)(i) and 41(a)(1)(B). Defendants did not join in this notice.

By **JANUARY 10 AT NOON**, both sides shall please state whether this voluntary dismissal was part of an agreement by both sides, or whether it should be stricken as procedurally improper under Rule 41(a)(1)(A)(i) which allows for unilateral dismissal only “before the opposing party serves either an answer or a motion for summary judgment . . . .”

**IT IS SO ORDERED.**

Dated: January 9, 2017.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE